

THURSDAY, MAY 3, 2001

THIRTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Overbey.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hagood; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 312: Rep(s). Newton as prime sponsor(s).

House Joint Resolution No. 313: Rep(s). Newton as prime sponsor(s).

House Joint Resolution No. 316: Rep(s). Beavers as prime sponsor(s).

House Joint Resolution No. 320: Rep(s). Newton as prime sponsor(s).

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House Joint Resolution No. 323: Rep(s). Bone as prime sponsor(s).

House Bill No. 131: Rep(s). Beavers as prime sponsor(s).

House Bill No. 838: Rep(s). Baird, Patton, Ford, Roach and Montgomery as prime sponsor(s).

House Bill No. 1678: Rep(s). Ridgeway, Shepard, Pinion, Roach, McKee and Briley as prime sponsor(s).

House Bill No. 1825: Rep(s). McDonald as prime sponsor(s).

ENROLLED BILLS

May 1, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 553, 732, 1183, 1393, also, House Joint Resolution(s) No(s). 181, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 1, 2001

The Speaker signed the following: House Bill(s) No(s). 553, 732, 1183, 1393; also, House Joint Resolution(s) No(s). 181, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 1, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 553, 732, 1183, 1393; also, House Joint Resolution(s) No(s). 181, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 1, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 553, 732, 1183, 1393; also, House Joint Resolution(s) No(s). 181, 265, 266, 267, 268, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 1, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 57, 465, 712, 1181, 1192, 1326, 1591, 1655; also, Senate Joint Resolution(s) No(s). 25, 164, 210 and 211 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 1, 2001

The Speaker signed the following: Senate Bill(s) No(s). 57, 465, 712, 1181, 1192, 1326, 1591, 1655; also, Senate Joint Resolution(s) No(s). 25, 164, 210 and 211.

MESSAGE FROM THE GOVERNOR

May 2, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 203, 215, 230, 231, 232, 233, 234, 235, 236, 237, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263 and 269, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 619, 861, 864, 1200 and 1317; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 680; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 784; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1576; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1703; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 258, 294, 1134 and 1300; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 357; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 346, 686, 753, 852, 1058, 1170, 1391 and 1672; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 346** -- Basic Education Program (BEP) - Allows any state BEP funds to be used for salary adjustments or improvements. Amends TCA Section 49-3-306 and Section 49-3-351. by *Cooper J. (HB1679 by *Maddox, *Winningham)

Senate Bill No. 686 -- Business and Commerce - Defines term "Tennessee-based business enterprise." Amends TCA Section 1-3-105. by *Ford J. (*HB185 by *Brooks)

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Senate Bill No. 753 -- Motor Vehicles - Makes unauthorized obtaining of credit reports and failure to disclose warranties and repair histories disciplinary offense for motor vehicle dealers and salespersons. Amends TCA Title 55. by *Dixon. (*HB523 by *Turner (Shelby), *Jones U (Shelby), *Miller L, *Cooper B)

***Senate Bill No. 852** -- Transportation, Dept. of - Enacts "Transportation Information Planning Act of 2001." Amends TCA Title 4, Chapter 3 and Title 54. by *Norris, *Blackburn. (HB774 by *Briley)

***Senate Bill No. 1058** -- Insurance, Health, Accident - Requires insurers to provide coverage for CA-125 blood tests for ovarian cancer for women age 30 and older. Amends TCA Title 56, Chapter 7, Part 25. by *Burks. (HB750 by *DeBerry L)

***Senate Bill No. 1170** -- Election Laws - Directs state coordinator of elections to study feasibility of internet voting in future state elections. Amends TCA Title 2. by *Herron. (HB1899 by *Shaw)

***Senate Bill No. 1391** -- Motor Vehicles - Authorizes, rather than requires, commissioner of transportation to demand surety bond be given before permit is issued to motor vehicle with excess weight or size. Amends TCA Section 55-7-205. by *Haun. (HB1814 by *Rinks)

Senate Bill No. 1672 -- Labor - Classifies child labor law violations in regard to minor under age 14 and youth peddling as Class D felonies; authorizes fine of \$1,000 to \$10,000 for hiring minor under 14; removes baptismal certificate as proof of age for minor in employment. by *Clabough, *Atchley. (*HB1395 by *Baird, *McDaniel)

**MESSAGE FROM THE SENATE
May 2, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 153, 220, 221, 223, 224, 225, 226, 227, 228, 230 and 231; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 153** -- Memorials, Government Officials - Urges National Highway Traffic Safety Administration to strengthen standards for construction and testing of tires used on commercial motor vehicles. by *Henry.

Senate Joint Resolution No. 220 -- Memorials, Recognition - Arnold Engineering Development Center, 50th anniversary. by *Burks.

Senate Joint Resolution No. 221 -- Memorials, Recognition - First Annual Gospel Quartet Awards, Concert, and Banquet. by *Haynes.

Senate Joint Resolution No. 223 -- Memorials, Death - John Netherton. by *Henry.

Senate Joint Resolution No. 224 -- Memorials, Recognition - Reverend Amos Baker, Sr. by *Crutchfield.

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Senate Joint Resolution No. 225 -- Memorials, Death - Dennis Eugene Lilly. by *Crowe.

Senate Joint Resolution No. 226 -- Memorials, Recognition - Clarence DeLoach. by *Jackson.

Senate Joint Resolution No. 227 -- Memorials, Retirement - Jerry Ivey. by *Jackson.

Senate Joint Resolution No. 228 -- Memorials, Recognition - Jim Ayers. by *Jackson.

Senate Joint Resolution No. 230 -- Memorials, Interns - Cebriet Lee Harrell, Jr. by *McNally.

Senate Joint Resolution No. 231 -- Naming and Designating - National Teacher Day, May 8, 2001. by *McNally.

**MESSAGE FROM THE SENATE
May 2, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, and 306; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
May 3, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1620; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**RESOLUTIONS REFERRED
May 2, 2001**

Pursuant to **Rule No. 44**, the following resolution(s) was/were referred to the following Committee(s):

***House Joint Resolution No. 327** -- Highway Signs - Adelphia Centre and Carroll Reece Museum at ETSU, I-81 at Exit 57 and I-181 at Exit 31A in Washington County. by *Patton.

House Finance, Ways and Means Committee

DELAYED BILLS REFERRED
May 2, 2001

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2006, was/were referred to the Delayed Bills Committee.

***House Bill No. 2006** -- Taxes - Authorizes additional 2 percent rental car tax in any county that is building or modifying arena for National Basketball Association team. Amends TCA Title 67, Chapter 4, Part 19. by *Bowers. (SB1973 by *Ford J)

REPORT OF DELAYED BILLS COMMITTEE
May 3, 2001

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2002 and 2006.

Jimmy Naifeh, Speaker
Gene Davidson
Steve McDaniel

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 327** -- Highway Signs - Adelphia Centre and Carroll Reece Museum at ETSU, I-81 at Exit 57 and I-181 at Exit 31A in Washington County. by *Patton.

Previously referred to the House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 7, 2001:

House Resolution No. 70 -- Memorials, Personal Achievement - Walker Flynt, Eagle Scout. by *Stanley.

House Resolution No. 71 -- Memorials, Professional Achievement - Joel Wilhite. by *Todd.

House Resolution No. 72 -- Memorials, Academic Achievement - Nioka Dawn Brewer, 2001 All-American Scholar. by *Mumpower.

House Resolution No. 73 -- Memorials, Academic Achievement - Sarah Wright, United States National Award Winner in History and Government. by *Mumpower.

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House Resolution No. 75 -- Memorials, Academic Achievement - Nikki Davidson, United States Achievement Academy All-American Scholar. by *Mumpower.

House Resolution No. 76 -- Memorials, Academic Achievement - Keith Wright, United States Achievement Academy National Award Winner in English. by *Mumpower.

House Resolution No. 77 -- Memorials, Sports - Chris Vittletoe, State Record Saugeye. by *Dunn, *Buttry.

House Resolution No. 78 -- Memorials, Retirement - Billy Ross Ballard. by *Davidson.

House Joint Resolution No. 325 -- Memorials, Academic Achievement - Lincoln County High School Robotics Team. by *Fowlkes, *Phillips.

House Joint Resolution No. 326 -- Memorials, Interns - Taffey Hall. by *Winningham, *Brown, *Davis (Washington), *McKee.

House Joint Resolution No. 328 -- Memorials, Death - Ralph Erwin, Jr. by *Mumpower.

House Joint Resolution No. 329 -- Memorials, Recognition - Friendship Baptist Church, 175th anniversary. by *McKee.

House Joint Resolution No. 330 -- Memorials, Recognition - Brandy McCarley. by *Dunn.

House Joint Resolution No. 332 -- Memorials, Professional Achievement - Athan Gibbs, Sr., designer of Tru-Vote. by *Turner (Shelby), *Jones U (Shelby), *DeBerry J, *Bowers, *Miller L, *Brooks.

House Joint Resolution No. 334 -- Memorials, Personal Achievement - Shaurya Chanana, Safest Kid in America. by *Harwell, *McDaniel.

House Joint Resolution No. 336 -- Memorials, Recognition - Purity Dairies, 75th anniversary. by *McDonald, *Arriola, *Williams (Williamson), *Bone, *West, *Newton.

***House Joint Resolution No. 337** -- General Assembly, Studies - Creates special joint committee to study impact upon public TV in Tennessee of conversion of television broadcasting from analog to digital mode. by *Kisber.

House Joint Resolution No. 338 -- Memorials, Sports - William B. Caldwell, Paris-Henry County Sports Hall of Fame Distinguished Service Award. by *Ridgeway.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 7, 2001:

Senate Joint Resolution No. 220 -- Memorials, Recognition - Arnold Engineering Development Center, 50th anniversary. by *Burks.

Senate Joint Resolution No. 221 -- Memorials, Recognition - First Annual Gospel Quartet Awards, Concert, and Banquet. by *Haynes.

Senate Joint Resolution No. 223 -- Memorials, Death - John Netherton. by *Henry.

Senate Joint Resolution No. 224 -- Memorials, Recognition - Reverend Amos Baker, Sr. by *Crutchfield.

Senate Joint Resolution No. 225 -- Memorials, Death - Dennis Eugene Lilly. by *Crowe.

Senate Joint Resolution No. 226 -- Memorials, Recognition - Clarence DeLoach. by *Jackson.

Senate Joint Resolution No. 227 -- Memorials, Retirement - Jerry Ivey. by *Jackson.

Senate Joint Resolution No. 228 -- Memorials, Recognition - Jim Ayers. by *Jackson.

Senate Joint Resolution No. 230 -- Memorials, Interns - Cebriet Lee Harrell, Jr. by *McNally.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 153** -- Memorials, Government Officials - Urges National Highway Traffic Safety Administration to strengthen standards for construction and testing of tires used on commercial motor vehicles. by *Henry, *Williams.

House Finance, Ways and Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2005 -- Williamson County - Subject to local approval, enacts "Williamson County Budget Act of 2001.". by *Williams (Williamson), *Sargent.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 187 -- Liens - Gives marinas same enforcement of lien on vessels or personal watercraft as garagekeepers have on vehicles in their possession. Amends TCA Title 66, Chapter 19, Part 2. by *Burchett, *Ramsey, *Crowe, *Williams, *Davis L, *Person. (*HB198 by *Bittle, *Curtiss)

***Senate Bill No. 528** -- Pharmacy, Pharmacists - Removes July 1, 2001, sunset provision relative to pharmacy and pharmacy access in Chapter 1033 of Public Acts of 1998; revises codified pharmacy and pharmacy access section to clarify requirements apply to managed health insurance issuer as well as health insurance issuer. - TCA Section 56-7-2359. by *McNally, *Williams, *Davis L, *Dixon, *Carter, *Haun, *Jackson, *Herron, *Trail, *Person. (HB838 by *McDaniel, *Rhinehart, *Shepard, *Davis (Cocke), *Overbey, *Rowland, *Windle, *Walker)

Senate Bill No. 1724 -- Contractors - Requires board for licensing contractors to meet at least six times each year instead of meeting in specified months. Amends TCA Title 62, Chapter 6. by *Haynes. (*HB851 by *Cole (Dyer))

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2003** -- Carroll County -- Local Bill Held on House Desk

***House Bill No. 2004** -- Carroll County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 1, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 3, 2001**: House Bill(s) No(s). 880, 1832, 1080, 1309, 131, 1246, 838, 185, 1372, 700, 1234, 1859 and 248.

The Committee set the following bill(s) on the **Regular Calendar** for **May 7, 2001**: House Bill(s) No(s). 1798.

The Committee also set the following bill(s) on the **Regular Calendar** for **May 10, 2001**: House Bill(s) No(s). 875.

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The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 7, 2001**: House Bill(s) No(s). 914, Senate Joint Resolution(s) No(s). 59, House Bill(s) No(s). 1182, 942, 945, 965, 979, 1289 and 903.

CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 524 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 418 and 1334 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 771, also House Bill(s) No(s). 1214 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 786 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 716. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 224. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 847, 1413, 538, 876, 1356, 825, 1691, 1991, 1126, House Joint Resolution(s) No(s). 180, also House Bill(s) No(s). 295, 1633, 1242, 912, 872, 632, House Joint Resolution(s) No(s). 121 and 145 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1727, 930, 933, 1071, also House Bill(s) No(s). 1617 and 917 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 1175 be transmitted to the State and Local Government Committee with amendments.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1387 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1384, 1765 and 1390 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1749, 1456, also House Bill(s) No(s). 867 and 525 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Joint Resolution(s) No(s). 110. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1162, 1589, 155; also House Bill(s) No(s). 1175 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 2, 2001**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1597, 1690, House Joint Resolution No. 40, also House Bill(s) No(s). 1885 and House Joint Resolution No. 228 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 559 and House Joint Resolution No. 52 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 581 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1888; also House Bill(s) No(s). 1571 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1333 and House Joint Resolution No. 229, also House Bill(s) No(s). 1721, 1796, 1896 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1023, 1718, Senate Joint Resolution No. 58; also House Bill(s) No(s). 740, 1339, 1383, 583 and 1385 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1119, 1841, 573, also House Bill(s) No(s). 1343, 1911, 1889, 565 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 3, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 7, 2001**: House Bill(s) No(s). 1651, 1652, 1039, 1843, 1846, 851, 179, 180, 1301, 1350, 270, 843, 1776, 1133, 1490, 198.

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 9, 2001**: House Bill(s) No(s). 70, 525, 409, 729, 1691, 1126 and 295.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 7, 2001**: House Joint Resolution(s) No(s) 151, House Bill(s) No(s). 996, 1189, 1190, 526, 1738 and 413.

CONSENT CALENDAR

House Bill No. 914 -- Securities - Revises Tennessee Securities Act. Amends TCA Title 48, Chapter 2. by *Kisber. (*SB1539 by *Rochelle)

***Senate Joint Resolution No. 59** -- General Assembly, Statement of Intent or Position - Urges National Center for Public Policy and Higher Education to select Tennessee as one of multi-state participant in long-term strategic planning on state higher education policy using NCPPE's Measuring Up 2000 report. by *Rochelle, *Williams.

House Bill No. 1182 -- Home Improvement Contractors - Authorizes home improvement contractor to receive more than one-third deposit if contractor furnishes performance bond that is at least 1 percent of contractor's annual net sales. Amends TCA Section 62-37-112. by *Armstrong. (*SB939 by *McNally)

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House Bill No. 942 -- Sunset Laws - Air pollution control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by *Kernell, *Brooks, *Cooper B. (*SB48 by *Harper)

On motion, House Bill No. 942 was made to conform with **Senate Bill No. 48**; the Senate Bill was substituted for the House Bill.

House Bill No. 945 -- Sunset Laws - Board of ground water management, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 11. by *Kernell, *Brooks, *Cooper B. (*SB122 by *Harper)

On motion, House Bill No. 945 was made to conform with **Senate Bill No. 122**; the Senate Bill was substituted for the House Bill.

House Bill No. 965 -- Sunset Laws - Solid waste disposal control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by *Kernell, *Brooks, *Cooper B. (*SB123 by *Harper)

On motion, House Bill No. 965 was made to conform with **Senate Bill No. 123**; the Senate Bill was substituted for the House Bill.

House Bill No. 979 -- Sunset Laws - Water quality control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by *Kernell, *Brooks, *Cooper B. (*SB104 by *Harper)

On motion, House Bill No. 979 was made to conform with **Senate Bill No. 104**; the Senate Bill was substituted for the House Bill.

House Bill No. 1289 -- Health Care - Adds representative of assisted care living facility industry to board for licensing health care facilities; such person to be appointed by governor and to serve four-year term. Amends TCA Section 68-11-203. by *Arriola, *Jones, S.. (*SB1580 by *Kurita)

House Bill No. 903 -- Local Education Agency - Requires LEAs to adopt written policies prohibiting hazing by any student or organization operating under sanction of LEA. Amends TCA Title 49, Chapter 2, Part 1. by *Harwell. (*SB1302 by *Fowler)

House Resolution No. 69 -- Memorials, Recognition - Joseph Allen Wood. by *Windle.

House Joint Resolution No. 312 -- Memorials, Academic Achievement - Lena Roberta Williams, Valedictorian, Meigs County High School. by *Bunch.

House Joint Resolution No. 313 -- Memorials, Professional Achievement - Howard Langford, Cleveland City Schools' 2002 Tennessee Teacher of the Year Nominee. by *Bunch.

House Joint Resolution No. 314 -- Memorials, Personal Achievement - Joshua J. Robbins (Hills), Eagle Scout. by *Todd.

House Joint Resolution No. 315 -- Memorials, Recognition - Bishop Gilbert E. Patterson, Presiding Bishop of Church of God in Christ, Inc. by *DeBerry J.

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House Joint Resolution No. 316 -- Memorials, Professional Achievement - Lynne Harrison, Wilson County Teacher of the Year. by *Bone.

House Joint Resolution No. 317 -- Memorials, Academic Achievement - Trang (Janice) Thi Tran, Valedictorian, McGavock High School. by *West.

House Joint Resolution No. 318 -- Memorials, Recognition - St. Philip's Episcopal Church. by *West.

House Joint Resolution No. 319 -- Memorials, Personal Occasion - Ann Frazier, eightieth birthday. by *White.

House Joint Resolution No. 320 -- Memorials, Academic Achievement - Susan Michelle Bunch, Salutatorian, Meigs County High School. by *Bunch.

House Joint Resolution No. 322 -- Memorials, Professional Achievement - Judith Mimbs, Tennessee Humanities Council Award of Recognition for Outstanding Teaching. by *Vincent, *Wood, *Clem, *Turner (Hamilton), *Brown, *Sharp.

House Joint Resolution No. 323 -- Memorials, Personal Achievement - Bryan Jackson, Eagle Scout. by *Beavers.

Senate Joint Resolution No. 215 -- Memorials, Academic Achievement - Leah Elizabeth Crews, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 216 -- Memorials, Academic Achievement - Rebecca Renee' McGoldrick, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 217 -- Memorials, Academic Achievement - Jessica Lind Tracy, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 218 -- Memorials, Academic Achievement - Bryan David Harris, Salutatorian, Beech High School. by *Graves.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1289: by Rep. Boyer

Under the rules, House Bill(s) No(s). 1289 was/were placed at the foot of the calendar for May 7, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer. (*SB1717 by *McNally, *Herron)

Further consideration of House Bill No. 1678 previously considered on April 23, 2001, at which time it was reset for today's Calendar.

Rep. Maddox requested that House Bill No. 1678 be moved down 5 places on the Calendar.

***House Bill No. 1458** -- Energy - Broadens certain powers of energy acquisition corporation. Amends TCA Title 7, Chapter 39, Part 3. by *Kisber. (SB1879 by *Rochelle, *Carter, *Rochelle)

Further consideration of House Bill No. 1458 previously considered on April 16, 2001 and April 19, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1458 was made to conform with **Senate Bill No. 1879**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 1879** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 257** -- Death - Authorizes registered nurse in nursing home to certify death if death was expected and physician issues death certificate. Amends TCA Section 68-3-511. by *Garrett. (SB521 by *Henry)

Further consideration of House Bill No. 257 previously considered on April 16, 2001, at which time it was reset for today's Calendar.

Rep. Garrett moved that House Bill No. 257 be passed on third and final consideration.

Rep. Black moved the previous question, which motion prevailed.

Rep. Garrett moved that **House Bill No. 257** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	12

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Pinion, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Brooks, Brown, Chumney, DeBerry J, Jones U, Langster, Miller, Pleasant, Pruitt, Towns, Turner (Shelby), Windle -- 12.

A motion to reconsider was tabled.

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House Bill No. 1742 -- Building Commission, State - Authorizes commission to supervise projects involving improvement, demolition, acquisition, disposal, or lease of property by foundation created to benefit University of Tennessee or any institution of state university and community college system of Tennessee. Amends TCA Section 4-15-102. by *Kisber. (*SB1788 by *Henry)

Further consideration of House Bill No. 1742 previously considered on April 12, 2001 and April 26, 2001, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 1742 be reset for the Regular Calendar on May 7, 2001, which motion prevailed.

***House Bill No. 376** -- Local Government, General - Provides for sharing of proceeds from leases, loan agreements, sales contracts, or other operating contracts with public building authorities among all school districts in county. Amends TCA Title 12, Chapter 10. by *Overbey, *Johnson. (SB589 by *Miller J)

Further consideration of House Bill No. 376 previously considered on April 25, 2001, at which time it was reset for today's Calendar.

Rep. Overbey moved that House Bill No. 376 be reset for the Regular Calendar on May 10, 2001, which motion prevailed.

***House Bill No. 519** -- Highways, Roads and Bridges - Designates Tennessee Technology Corridor by signage on Pellissippi Parkway. by *Bittle. (SB644 by *Burchett)

Further consideration of House Bill No. 519 previously considered on April 25, 2001, at which time it was reset for today's Calendar.

BILL RE-REFERRED

On motion of Rep. Bittle, House Bill No. 519 was re-referred to the House Committee on Calendar and Rules.

REGULAR CALENDAR, CONTINUED

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer. (*SB1717 by *McNally, *Herron)

Further consideration of House Bill No. 1678 previously considered on today's Calendar.

Rep. Maddox moved that House Bill No. 1678 be passed on third and final consideration.

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Rep. Head moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1678 by adding to the amendatory language of Section 1(1) the following new item, to be appropriately designated:

(D) A contest or promotion or give-away in which valuable prizes and/or merchandise are awarded in connection with the sale of products and services, which include, but are not limited to, items sold at retail sales outlets, or through mail or vending machines.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1678 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than 897,400 nor more than 897,500 according to the 2000 federal census or any subsequent federal census.

Rep. Maddox requested that House Bill No. 1678 be moved down 5 places on the Calendar.

House Bill No. 1529 -- Liens - Enacts "Perfection, Priority And Enforcement of Public Pledges And Liens Act." Amends TCA Title 9 and Title 47. by *Kisber. (*SB1330 by *Henry)

Further consideration of House Bill No. 1529 previously considered on April 26, 2001, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 1529 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1529 by deleting all the language after the enacting clause of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, is amended by adding the following as a new Chapter 22 thereof:

CHAPTER 22 – PERFECTION, PRIORITY AND ENFORCEMENT OF PUBLIC PLEDGES AND LIENS

9-22-101. Short Title.

This Chapter may be cited as the "Perfection, Priority and Enforcement of Public Pledges and Liens Act."

9-22-102. Intent.

It is the intent and purpose of this chapter to clarify the statutory framework governing the perfection, priority and enforcement of pledges and liens made or granted in connection with the issuance of public obligations, and to preserve the customary practices with respect to these matters that have developed in the State of Tennessee among issuers and purchasers of public obligations. This chapter provides a uniform and comprehensive statutory framework governing the perfection, priority and enforcement of pledges and liens created by certain state and local governments, governmental entities, agencies and instrumentalities in connection with their issuance of debt obligations, and specifies the extent to which the perfection, priority and enforcement of such pledges and liens are excluded from the provisions of Title 47, Chapter 9, Tennessee Code Annotated. If any statute of this state, other than Title 47, Chapter 9, Tennessee Code Annotated, imposes or authorizes a pledge or lien relating to any public obligations, then (a) that statute, (b) any official action entered into or adopted pursuant thereto, and (c) this chapter, to the extent not in conflict with the foregoing, shall in all respects govern the creation, perfection, priority and enforcement of such pledges and liens, and Title 47, Chapter 9, Tennessee Code Annotated shall not govern such matters.

9-22-103. Definitions.

In this chapter:

Except as provided in the following sentence, the term "collateral" means any revenues, operating income, fees, rents, tolls or other charges received or receivable by an issuer from any public works project or otherwise, rights to payment and other rights under agreements, rights to and receipts of tax collections and revenues, rights to and receipts of grants or contributions, any funds, monies or accounts, and any other personal property that an issuer is authorized to pledge to, or grant a lien on to secure, the payment of a public obligation, excluding any "goods," as such term is defined in Section 47-9-102(a)(44), Tennessee Code Annotated. In the case of public corporations incorporated under Title 7, Chapter 82 or Chapter 86, Tennessee Code Annotated, the term "collateral" includes, in addition to the foregoing, all other property, real and personal, including "goods," as such term is defined in Section 47-9-102(a)(44), Tennessee Code Annotated, comprising the systems owned and operated by such corporations.

"Issuer" means the state of Tennessee, authorities and agencies of the state of Tennessee and all political subdivisions and public instrumentalities of the state of Tennessee, including, without limitation, cities; towns; metropolitan governments; counties; authorities; districts; public corporations; authorities, agencies and instrumentalities of the foregoing; and other public entities. Notwithstanding the foregoing, for purposes of this chapter, the term "issuer" shall not include public corporations incorporated under Tennessee Code Annotated Title 7, Chapter 53, or Title 48, Chapter 101, Part 3.

"Official actions" means the actions, by statute, order, ordinance, charter, resolution, contract or other authorized means, by which an issuer provides for issuance of a public obligation.

"Public obligation" means an agreement of an issuer to pay principal and any interest thereon, whether in the form of a contract to repay borrowed money, a lease, an installment purchase agreement or otherwise, and includes a share, participation or other interest in any such agreement.

9-22-104. Perfection of Pledges or Liens.

The grant of a pledge or the creation of a lien on collateral by an issuer, which grant or creation is otherwise authorized under the provisions of Tennessee law, shall be valid and binding from the time that the pledge or lien is created or granted and shall inure to the benefit of the holder or holders of the public obligations with respect to which such pledge or lien was created or granted until the payment in full of the principal thereof and premium and interest thereon, and neither the official action nor any other instrument granting, creating, or giving notice of the pledge or lien need be publicly filed or recorded to preserve, protect or perfect the validity or priority of such pledge or lien.

9-22-105. Priority of Pledges or Liens.

Public obligations evidenced by multiple bonds, notes, certificates or other instruments of the same issue shall be equally and ratably secured, without priority by reason of number, date, date of sale, date of execution or date of delivery, by any pledge or lien created or granted on collateral to secure the payment thereof, unless otherwise provided by the official action authorizing such public obligations.

Any pledge or lien on collateral created or granted by an issuer shall be junior in priority to pledges, liens and other security interests created or granted prior to the date such pledge or lien is created or granted, unless otherwise provided by the official action authorizing such obligations.

9-22-106. Enforcement of Pledges or Liens.

The manner in which the holder or holders of public obligations may enforce the pledge or lien created by an issuer with respect thereto shall be governed by the provisions of Tennessee law authorizing the creation of such pledge or lien, and, subject to such provisions of Tennessee law, the terms of the official action authorizing such public obligations.

9-22-107. Impairment of Contract.

Nothing in this chapter shall be deemed in any way to alter the terms of any agreements made with the holders of any public obligations of an issuer or to authorize an issuer to alter the terms of any such public obligations, or to impair, or to authorize any issuer to impair, the rights and remedies of any creditors of any issuer.

9-22-108. Supplementary Nature.

The provisions of this chapter shall be in addition to and supplemental to all other provisions of other laws of Tennessee; provided, that wherever the application of the provisions of this chapter conflict with the application of such other provisions, such other provisions shall prevail.

SECTION 2. Tennessee Code Annotated Section 47-9-109(c)(2) is hereby amended by deleting the semicolon at the end thereof and inserting in lieu thereof the following:

“, including, but not limited to, Title 9, Chapter 22, Tennessee Code Annotated;”

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared severable.

SECTION 4. This act takes effect July 1, 2001, the public welfare requiring it; provided that this act shall apply to any transaction within its scope, even if the transaction was entered into or created before this act takes effect. Notwithstanding the foregoing, the application of the provisions of this chapter shall not affect the rights of holders of public obligations issued under the provisions of Tennessee Code Annotated, Title 9, Chapter 21, as amended, to the extent that their relative priorities were intended to be fixed by reference to any other provision of law prior to May 22, 1991.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1529**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1999 -- Kenton - Pursuant to local request, authorizes board of Kenton Special School district to levy tax, issue bonds, and construct, equip and operate school in city of Kenton. Amends TCA Chapter 84 of the Private Acts of 1947. by *Phelan, *Pinion. (SB1964 by *Carter)

Further consideration of House Bill No. 1999 previously considered on April 30, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Pinion moved that House Bill No. 1999 be reset for the Regular Calendar on May 9, 2001, which motion prevailed.

House Bill No. 1603 -- Firefighters - Requires any municipal corporation or other political subdivision of state which maintains regular fire department with full-time employees, upon written request of any such employee, to make monthly deductions of membership dues for employee association if association's current membership is not less than 10 percent of qualified employees. Amends TCA Title 7, Chapter 51, Part 2. by *Jones, S., *Langster, *West, *Turner (Davidson), *Newton, *Briley, *Jones U (Shelby), *Pruitt, *Miller L, *Tindell, *Odom, *Turner (Hamilton). (*SB1366 by *Jackson)

Further consideration of House Bill No. 1603 previously considered on April 30, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. S. Jones moved that House Bill No. 1603 be reset for the Regular Calendar on May 7, 2001, which motion prevailed.

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House Bill No. 1825 -- Safety, Dept. of - Requires department to develop and maintain information concerning drunk driving on department's web page. Amends TCA Title 4, Chapter 3, Part 20 and Title 55. by *Ridgeway. (*SB1159 by *Herron, *Burks)

Further consideration of House Bill No. 1825 previously considered on April 30, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 1825 was made to conform with **Senate Bill No. 1159**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that **Senate Bill No. 1159** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1516 -- Real Estate Agents and Brokers - Allows brokers to devote part time to real estate profession as long as adequate supervision over licensees maintained. Amends TCA Title 62, Chapter 13, Part 3. by *Pinion. (*SB1157 by *Herron)

Further consideration of House Bill No. 1516 previously considered on April 30, 2001, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Pinion moved that House Bill No. 1516 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1673 -- Labor and Workforce Development, Dept. of - Reorganizes premium rate tables used in calculating unemployment insurance premium rates paid by employers. by *Clabough, *Atchley, *Williams. (*HB1396 by *Clem, *McDaniel)

Further consideration of Senate Bill No. 1673 previously considered on April 30, 2001, at which time the Senate Bill was substituted for the House Bill and was reset for today's Calendar.

Rep. Clem moved that Senate Bill No. 1673 be reset for the Regular Calendar on May 10, 2001, which motion failed.

BILL RE-REFERRED

Rep. Kisber moved that Senate Bill No. 1673 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer. (*SB1717 by *McNally, *Herron)

Further consideration of House Bill No. 1678 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s) 2.

Rep. Maddox moved that House Bill No. 1678, as amended, be passed on third and final consideration.

Rep. U. Jones moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. U. Jones moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Miller moved that House Bill No. 1678 be reset for the Regular Calendar on May 10, 2001, which motion was immediately withdrawn.

Rep. Maddox moved that House Bill No. 1678 be reset for the Regular Calendar on May 9, 2001, which motion was immediately withdrawn.

Rep. Maddox moved that House Bill No. 1678 be reset for the Regular Calendar on May 10, 2001, which motion prevailed.

House Bill No. 880 -- Driver Licenses - Increases from 5 or more to more than 10 consecutive or 15 total unexcused absences allowed prior to suspension or denial of driver license of individual under 18 enrolled in GED course. Amends TCA Section 49-6-3017 and Title 55, Chapter 50. by *Kisber. (*SB146 by *Cooper J)

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 880 was made to conform with **Senate Bill No. 146**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 146** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1832 -- Regional Authorities and Special Districts - Adds two members to regional transportation authority to be appointed by mayor of Nashville; revises terms of appointed members from five to three years. Amends TCA Title 64, Chapter 8, Part 1. by *West. (*SB1399 by *Haynes)

Rep. West moved that House Bill No. 1832 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1832 By deleting Section 2 of the printed bill in its entirety.

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On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 1832**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93

Noes1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Williams -- 1.

A motion to reconsider was tabled.

House Bill No. 1080 -- Handgun Permits - Requires department of safety to conduct study of handgun carry permit law; such study to be completed by February, 2002. Amends TCA Title 39, Chapter 17, Part 13. by *West. (*SB1355 by *Jackson)

On motion, House Bill No. 1080 was made to conform with **Senate Bill No. 1355**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1355 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1355 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351(s), is amended by adding the following sentence between the first and second sentences in subdivision (1):

The report shall also include the cost of the program, the revenues derived from fees, the number of violations of the provision of the handgun carry permit law, the number of permits issued, and the average time for issuance of a handgun carry permit.

On motion, Judiciary Committee Amendment No. 1 was adopted.

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Rep. West moved that **Senate Bill No. 1355**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1309 -- Personal Property - Allows treasurer to file complaint in chancery court against holder of abandoned property that should have been paid to treasurer; prevents holder from delivering to treasurer property abandoned more than 10 years. Amends TCA Title 66, Chapter 29. by *Fowlkes. (*SB1228 by *Cooper J)

Rep. Fowlkes moved that House Bill No. 1309 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1309 by deleting SECTIONS 1 - 6 of the printed bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-29-104(3), is amended by adding the following as a new subdivision (3)(C):

(C) Notwithstanding any provision of this part to the contrary, any outstanding check, draft, credit balance, customer's overpayment or unidentified remittance issued to a business entity or association as part of a commercial transaction in the ordinary course of a holder's business shall not be presumed abandoned if the holder and such business entity or association have an ongoing business relationship. An ongoing business relationship shall be deemed to exist if the holder has engaged in a commercial, businesses or professional transaction involving the sale, lease, license, or purchase of goods or services with the business entity or association or a predecessor-in-interest of the business entity or association within the dormancy period immediately following the date of the check, draft, credit balance, customer's overpayment, or unidentified remittance giving rise to the unclaimed property interest. As used herein "dormancy period" means the period during which the holder may hold the property interest before it is presumed to be abandoned. A transaction between the holder and a third party insurer of another is a commercial transaction which constitutes a business relationship between the holder and the insurer. A predecessor-in-interest is a person or entity whose interest in a business entity or association was acquired by its successor-in-interest, whether by purchase of the business ownership interest, purchase of business assets, statutory merger or consolidation and includes successive acquisitions by whatever means accomplished.

SECTION 2. Tennessee Code Annotated, Section 66-29-113(e), is amended by deleting from the first sentence thereof the words and figures "Not more than one hundred twenty (120) days" and by substituting instead the words and figures "Not more than one hundred twenty (120) days or less than sixty (60) days".

SECTION 3. Tennessee Code Annotated, Section 66-29-113(f), is amended by adding the following new sentence at the end thereof:

The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection (e).

SECTION 4. Tennessee Code Annotated, Section 66-29-118, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b).

(b) An action or proceeding may not be maintained by the treasurer to enforce this part in regard to the reporting, delivery, or payment of property more than ten (10) years after the holder either files a report for the period in which the property was reportable or gave express notice to the treasurer of a dispute regarding the property. Notwithstanding this subsection, the period of limitation shall be tolled under the following circumstances:

(1) the holder failed to file such a report or other express notice with the treasurer;

(2) the holder failed or refused to allow the treasurer to examine the holder's books and records pursuant to § 66-29-127;

(3) the treasurer or an agent of the treasurer has initiated an audit of the report; or

(4) the report was fraudulent.

SECTION 5. Tennessee Code Annotated, Section 66-29-125 is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) (1) Any person who has been determined by the treasurer to be the holder of abandoned property which the treasurer asserts should have been paid or delivered to the treasurer pursuant to this part may file a complaint challenging such determination in the chancery court for Davidson County, naming the treasurer as the defendant and asking the court for a determination of whether the treasurer's determination is valid and correct. The suit must be brought within six (6) months from the date the treasurer issued to the holder a final determination of the amount owed and demand for payment. A copy of the complaint shall also be served on the attorney general and reporter. The suit shall be tried without a jury. Either aggrieved party may appeal to the court of appeals.

(2) As a condition precedent to the maintenance of any such suit, the person shall either:

(A). Pay to the treasurer at the time of the person's suit the amount determined by the treasurer to be owed, including any penalties assessed under § 66-29-129; or

(B) File with the court at the time of the person's suit a corporate surety bond or an irrevocable letter of credit issued by a qualified surety company or bank in a principal amount equal to one hundred fifty percent (150%) of the amount demanded or portion thereof which is challenged by the suit. Any unchallenged amount shall be paid to the treasurer in the manner prescribed in this part. The bond or letter of credit shall be in such form as shall be prescribed by regulations promulgated by the treasurer. For purposes of this subdivision, a corporate surety bond company or bank shall be qualified if it meets the requirements of § 67-1-1801(c)(2)(B).

(3) In the event the suit is withdrawn or dismissed, or final judgment thereon is rendered in favor of the treasurer as to all of the challenged amount:

(A) The treasurer shall be entitled to retain the amount paid pursuant to subdivision (2)(A) above and the court shall order the person who filed the suit to pay to the state reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount; or

(B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (2)(B) above, the treasurer shall be entitled to collect the challenged amount and any penalty assessed against the person by enforcement of the bond or the letter of credit. In addition, the court shall order the person who filed the suit to pay to the state such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121. The court shall also order such person to pay to the state reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount.

(4) In the event final judgment is rendered declaring that the treasurer's determination is invalid in whole, the court shall require the treasurer to:

(A) Refund to the person any amount paid pursuant to subdivision (2)(A) above together with such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121 and reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount; or

(B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (2)(B), the court shall order the treasurer to pay to the person reasonable attorneys' fees and expenses of litigation up to twenty percent (20%) of the challenged amount.

(5) If the court declares that the treasurer's determination is valid in part, the court shall require each party to bear its own attorneys' fees and expenses and to further require:

(A) The treasurer to refund to the person such part of the property paid pursuant to subdivision (2)(A) above as the court declared to be invalid together with such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121. The treasurer shall be entitled to retain the remaining amount; or

(B) If the person filed a corporate surety bond or a letter of credit pursuant to subdivision (2)(B) above, the treasurer shall be entitled to collect the amount owed and any penalty assessed thereon against the person by enforcement of the bond or the letter of credit. In addition, the court shall order the person who filed the suit to pay to the state such interest as the court may determine proper in accordance with the principles of equity at a rate not in excess of the legal rate as provided in § 47-14-121.

SECTION 6. Tennessee Code Annotated, Section 66-29-129(b), is amended by deleting the same in its entirety and by substituting instead the following:

(b)(1) Should the treasurer find that any person has failed to pay or deliver abandoned property to the treasurer as required under this part, the treasurer shall order such person to pay to the treasurer a civil penalty equal to ten percent (10%) of the value of the property for each year the property is not paid or delivered; provided, that the amount of such civil penalty shall not exceed twenty-five percent (25%) of the value of such property or fifty thousand dollars (\$50,000) whichever is less. This civil penalty shall not apply to inadvertent omissions to pay or deliver all property reportable during a given year. For purposes of this subdivision, an "inadvertent omission" means the failure to pay or deliver property having a value of less than ten percent (10%) of the total value of the property reportable during that year.

(2) Notwithstanding the provisions of subdivision (b)(1) to the contrary, if the property was identified or collected through a third party agent pursuant to §66-29-134, the civil penalty shall equal the greater of that provided for in subdivision (b)(1) or the amount of the fees paid by the state to the third party agent for identifying or collecting such property.

SECTION 7. Tennessee Code Annotated, Section 66-29-129(c), is amended by adding the following new sentences at the end thereof: The civil penalties provided for under this section shall not be assessed against any person who has failed to render any report or perform other duties required under this part if such person voluntarily performs or otherwise voluntarily complies with all the duties required under this part on or before May 1, 2002. At the sole discretion of the treasurer, this time period may be extended to May 1, 2003.

SECTION 8. Tennessee Code Annotated, Section 66-29-135, is amended by adding the following as a new subsection (b) and by redesignating the subsequent subsections accordingly:

(b) Notwithstanding subsection (a) to the contrary, if a gift certificate issued after December 31, 1996 is redeemable for merchandise only, then the amount presumed abandoned is sixty percent (60%) of the price paid by the purchaser for the certificate.

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SECTION 9. Sections 2 and 3 of this act shall take effect on July 1, 2001 and shall cover all property reportable after said date, the public welfare requiring it. All other Sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1309**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 131** -- Naming and Designating - "McCormick-Hardison National Guard Armory" in Lewisburg, by *Fowlkes. (SB25 by *Blackburn)

On motion, House Bill No. 131 was made to conform with **Senate Bill No. 25**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 25 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 25 by adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ___. (1) This act shall become operative only if Marshall County, Tennessee remits the estimated cost of the erection of such signs to the department of military within one (1) year of the effective date of this act. Marshall County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Marshall County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Marshall County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 25**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

House Bill No. 1246 -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural license plates for Public Transportation. Amends TCA Title 54 and Title 55. by *Fowlkes. (*SB1298 by *Cooper J)

Rep. Fowlkes moved that House Bill No. 1246 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1246 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-132, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Upon approaching a stationary authorized emergency vehicle, when such vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a highway maintenance vehicle, when such vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) For the purpose of this section unless the context otherwise requires:

(1) "Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:

(A) Owned or operated by the department of transportation, a county, a municipality or other political subdivision of this state; or,

(B) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state.

(2) "Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.

(e) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(f) This section shall not operate to relieve the driver of an authorized emergency vehicle, a recovery vehicle or a highway maintenance vehicle from the duty to operate such vehicle with due regard for the safety of all persons using the highway.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1246**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes90
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 90.

A motion to reconsider was tabled.

House Bill No. 838 -- Pharmacy, Pharmacists - Removes July 1, 2001, sunset provision relative to pharmacy and pharmacy access in Chapter 1033 of Public Acts of 1998; revises codified pharmacy and pharmacy access section to clarify requirements apply to managed health insurance issuer as well as health insurance issuer. - TCA Section 56-7-2359. by *McDaniel, *Rhinehart, *Shepard, *Davis (Cocke), *Overbey, *Rowland, *Windle, *Walker . (*SB528 by *McNally, *Williams, *Davis L, *Dixon, *Carter, *Haun, *Jackson, *Herron, *Trail, *Person)

On motion, House Bill No. 838 was made to conform with **Senate Bill No. 528**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 528 be passed on third and final consideration.

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On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. McDaniel moved that **Senate Bill No. 528** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93

Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 185** -- Business and Commerce - Defines term "Tennessee-based business enterprise." Amends TCA Section 1-3-105. by *Brooks. (SB686 by *Ford J)

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Brooks moved that House Bill No. 185 be reset for the Regular Calendar on May 7, 2001, which motion prevailed.

***House Bill No. 1372** -- Basic Education Program (BEP) - Replaces Tennessee foundation funding formula language with BEP language. Amends TCA Title 49, Chapter 3, Part 3. by *Harwell, *McDaniel. (SB1649 by *McNally, *Clabough)

Rep. Harwell moved that House Bill No. 1372 be passed on third and final consideration.

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Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1372 in the amendatory language of Section 1 of the printed by deleting subdivision (5) in amendatory Section 49-3-302 and substituting the following:

(5) "Licensed personnel" means any person employed by a local education agency and for whom licensure is required as a condition of employment by law;

AND FURTHER AMEND in the amendatory language of Section 1 of the printed bill by adding the following definition, to be appropriately designated:

() "Cost differential" means that factor establishing a rate of reimbursement for a program relative to the reimbursement of one FTEADA in grades four (4) through six (6) as established in § 49-3-306(2);

AND FURTHER AMEND by adding the following as a new subdivision (7) to amendatory Section 49-3-306 in Section 2 of the printed bill:

(7)(A) Establishment of programs and cost differentials shall be as follows:

(i) Regular academic:

Kindergarten (K) through grade (3)	1.20
Grades four (4) through (6)	1.00
Grades seven (7) and eight (8)	1.10
Grade nine (9)	1.20
Grades ten (10) through twelve (12)	1.30

(ii) Vocational education

Agriculture	2.62
Consumer and homemaking, health occupations	2.10
Trade and industrial	2.48
Related trade and industrial	1.84
Office and distributive education	2.04

(iii) Special education:

Identified and sever handicapped

1.07

(B) Identified and served handicapped students shall be included in the program attendance surveys in the appropriate regular academic and vocational education programs as provided in the rules and regulations. The special education cost differential is supplemental to the regular academic and vocational education programs and is based on the preceding year's identified and served handicapped students.

(C) This table of programs and cost differentials shall apply to educational programs as of the opening of schools for the 1977-1978 school year. At its quarterly meeting in February 1978, and annually thereafter, the state board, as approved by the commissioner, shall establish both the education programs and the cost differentials thereof applicable to the following school year, which may vary from the table in this section.

AND FURTHER AMEND by deleting Section 6 of the printed bill and substituting the following:

SECTION 6. Tennessee Code Annotated, Section 49-3-310, is amended by deleting the first sentence and substituting the following:

Funding for textbooks and other instructional materials shall be provided through the basic education program, subject to the following minimum amounts and conditions:

AND FURTHER AMEND by deleting Section 7 of the printed bill and substituting the following:

SECTION 7. Tennessee Code Annotated, Section 49-3-311, is amended by deleting subsection (a) and subdivisions (b)(1) through (9).

AND FURTHER AMEND in Section 9 by deleting subdivision (b)(3) of amendatory Section 49-3-314.

AND FURTHER AMEND in Section 9 by deleting subdivisions (c)(1) and (2) of amendatory Section 49-3-314, and by redesignating (c)(3)(A) and (B) to be (c)(1) and (2).

AND FURTHER AMEND by redesignating Section 12 of the printed bill to be Section 13, and by adding the following new Section 12:

SECTION 12. Tennessee Code Annotated, Section 49-3-318(a)(1), is amended by deleting the words "of state funds", and subdivisions (a)(2), (a)(3), and (a)(4) are amended by deleting the words "such appropriations" wherever they appear and substituting the words "funds generated by the vocational components of the state funding formula".

On motion, Education Committee Amendment No. 1 was adopted.

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Rep. Harwell moved that **House Bill No. 1372**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 700** -- Hospitals and Health Care Facilities - Revises certain residency and care requirements for residents of assisted-care living facilities. Amends TCA Section 68-11-201. by *Caldwell, *Bowers, *Hargett. (SB1524 by *Kurita)

Rep. Caldwell moved that House Bill No. 700 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 700 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-201(5), is amended by deleting subitems (5)(A), (B) and (C) in their entireties and by substituting instead new subitems(5)(A), (B), (C) and (D) as follows:

(A) Except as provided in subdivisions (B) and (C), an assisted-care living facility shall not admit nor permit the continued stay of any person or assisted-care living facility resident if any of the following conditions exists:

(i) The person is in the latter stages of Alzheimer's disease or related disorders;

(ii) The person requires physical or chemical restraints;

(iii) The person poses a serious threat to such person or to others;

(iv) The person requires nasopharyngeal or tracheotomy aspiration;

(v) The person requires initial phases of a regimen involving administration of medical gases;

(vi) The person requires a nasogastric tube;

(vii) The person requires arterial blood gas monitoring;

(viii) The person is not able to communicate such person's needs;

(ix) The person requires gastrostomy feedings;

(x) The person requires intravenous or daily intramuscular injections or intravenous feedings;

(xi) The person requires insertion, sterile irrigation and replacement of catheters, except for routine maintenance of Foley catheters;

(xii) The person requires sterile wound care; or

(xiii) The person requires treatment of extensive stage 3 or stage 4 decubitus ulcer or exfoliative dermatitis;

(B) So long as (1) a person does not otherwise fall outside the definition of an assisted care living facility resident, and (2) the person's medical condition and overall health status are stable, and (3) the person is able to care for their condition without the assistance of facility personnel or home health care, and (4) the person has a documented history of self-care for their medical condition for at least one (1) year, which is documented by the patient's treating physician and made part of their medical record, then any assisted care living facility may accept for admission and allow the continued stay of such person who:

(i) has in place a gastrostomy or percutaneous endoscopic gastrostomy (PEG) tube;

(ii) requires a nasopharyngeal suctioning or has a tracheostomy tube;

(iii) has in place a catheter that is their sole physical means of elimination of waste; or

(iv) requires the routine administration of oxygen.

If any person admitted to an assisted care living facility under this subsection no longer meets the requirements listed above and/or is no longer able to self care for their medical condition, the assisted care living facility must transfer the person immediately to a licensed nursing home or hospital. Nothing in this subsection shall be construed to prevent facility staff from responding to an emergency situation;

(C) An assisted care living facility resident with any of the conditions listed below may be retained by the facility for a period not to exceed twenty-one (21) days. A resident may continue as a resident in the facility for an additional twenty-one (21) day period if, within the first twenty-one (21) days (or by the first business day thereafter, if the twenty-first (21st) day is a Saturday, Sunday or holiday), or earlier if same becomes apparent to the facility, the extension of the initial twenty-one (21) day period is approved by the commissioner of health, or the commissioner's designee, so long as the individual approving the extension is a physician licensed in Tennessee. The department must respond to a request for an extension of stay within five (5) working days of its receipt of same.

(i) The person requires intravenous or daily intramuscular injections or intravenous feedings.

(ii) The person requires insertion, sterile irrigation and replacement of catheters, except for routine maintenance of Foley catheters; or

(iii) The person requires sterile wound care; and

(D) Under no circumstances shall a person be eligible to continue as an assisted care living facility resident if after a twenty-one (21) day period the individual requires four (4) or more skilled nursing visits per week for conditions other than those listed in subdivision (5)(C);

SECTION 2. Tennessee Code Annotated, Section 68-11-201(4)(B)(ii), is amended by adding the following language immediately after the word "organization" at the end of the item:

"or by the appropriate licensed staff of a nursing home if the assisted care living facility is located on the same physical campus as the licensed nursing home, in which case the assisted care living facility shall provide the individual with written notice that such services may be available to the individual as a Medicare benefit through a licensed home care organization."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Williams moved the previous question, which motion prevailed.

THURSDAY, MAY 3, 2001 – THIRTY-FOURTH LEGISLATIVE DAY

Rep. Caldwell moved that **House Bill No. 700**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1234 -- Aged Persons - Requires department of mental health and developmental disabilities to adopt rules for licensure and regulation of persons providing independent living support services; changes termination date of Public Chapter 985 of 2000 from July 1, 2001 to July 1, 2002. Amends TCA Title 33; Title 68 and Title 71. by *Caldwell. (*SB326 by *Clabough)

Rep. Caldwell moved that House Bill No. 1234 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1234 by deleting sections 1 through 4 of the printed bill in their entirety and substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 33-2-402, is amended by adding a new, item as follows:

() "Personal support services" means nursing consultation, education services, therapy services and other personal assistance services as defined by rule, which are provided to individuals with substantial limitation in two or more major life activities in either their regular or temporary residences, but does not mean direct nursing services or direct therapy services provided in connection with an acute episode of illness or injury.

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SECTION 2. Tennessee Code Annotated, Section 33-2-401, is amended by deleting the phrase "Mental Health and Developmental Disabilities Licensure Law" and substituting instead the phrase "Mental Health, Developmental Disability, and Personal Support Services Licensure Law".

SECTION 3. Tennessee Code Annotated, Section 33-2-403, is amended by deleting from subsection (a) the phrase "mental health and developmental disabilities services" wherever it appears and substituting instead the phrase "mental health, developmental disability, and personal support services"; and by deleting from paragraph (d)(2)(F) the phrase "Four (4)" and substituting instead the phrase "Five (5)"; and by adding to paragraph (d)(2) the following subdivision to be appropriately designated:

() a representative of a personal support services agency.

SECTION 4. Tennessee Code Annotated, Section 33-2-405, is amended by deleting the phrase "mental health or developmental disability service" and substituting instead the phrase "mental health, developmental disability, or personal support service".

SECTION 5. Tennessee Code Annotated, Section 33-2-406, is amended by deleting from subsection (a) the phrase "mental health or developmental disability services" and substituting instead the phrase "mental health, developmental disability, or personal support services"; and by deleting from subsection (b) the phrase "mental health or developmental disability service" and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 6. Tennessee Code Annotated, Section 33-2-411, is amended by deleting from subsections (a) and (b) the phrase "mental health or developmental disabilities services" and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 7. Tennessee Code Annotated, Section 33-2-416, is amended by deleting from subsection (a) the phrase "mental health or developmental disabilities services" wherever it appears and substituting instead the phrase "mental health, developmental disability, or personal support services".

SECTION 8. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following new section to be appropriately designated:

Section 33-2-____.

(a) Any individual employed by a personal support services agency to provide personal support services must complete standardized training and continuing education under department rules.

(b) The department may create classifications for personal support services agencies specializing in a type of service or care and may require additional training and continuing education for such classifications.

SECTION 9. Tennessee Code Annotated, Title 33, Chapter 2, Part 4 is amended by adding the following section:

Section 33-2-____.

If an agency is licensed as a personal support services agency under this title, it does not have to be licensed under Title 68, Chapter 11, Part 2, as a home care organization to provide personal support services. If an agency is licensed under Title 68, Chapter 11, Part 2, as a home care organization, it does not have to be licensed under this title to provide personal support services.

SECTION 10. Tennessee Code Annotated, Section 68-11-201(15)(D)(ii)(a), is amended by inserting the following text after the word "agencies": "that are registered participants in divisional programs and that are".

SECTION 11. Chapter 985 of the Public Acts of 2000 is amended in Section 3 by deleting the language "July 1, 2001" and by substituting instead the language "July 1, 2002".

SECTION 12. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1234 by deleting Section 12 in its entirety and by substituting instead the following:

SECTION 12. This act shall take effect as follows:

(1) Section 11 shall take effect on July 1, 2001, the public welfare requiring it;

(2) For rulemaking purposes only, this act shall take effect on becoming law, the public welfare requiring it;

(3) For all other purposes, this act shall take effect on July 1, 2002.

On motion, Health and Human Resources Committee Amendment No. 2 was adopted.

Rep. Caldwell moved that **House Bill No. 1234**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1859 -- Highway Signs - Prohibits erection of new highway sign structure in which two or more displays are stacked one above other; stacked signs existing on or before effective date of act not to be deemed non-conforming until such sign's structure is modified, repaired, replaced, or rebuilt; structures with more than one display are allowed if size does not exceed statutory limits. Amends TCA Title 54, Chapter 21. by *McCord. (*SB1565 by *Ramsey)

Rep. McCord moved that House Bill No. 1859 be reset for the Regular Calendar on May 10, 2001, which motion prevailed.

***House Bill No. 248** -- Probation and Parole - Establishes statutory duties for private entities providing misdemeanor probation services and requires such entities to have \$25,000 performance bond and policy of liability insurance in effect and on file with appropriate clerk. Amends TCA Section 40-35-302. by *Scroggs. (SB479 by *Kyle)

Rep. Scroggs moved that House Bill No. 248 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 248 by deleting the period (.) at the end of subpart (H) in the amendatory language of SECTION 1 and substituting instead a semicolon (;) and adding the following language:

(I) No private corporation, enterprise, or agency contracting to provide probation services under the provisions of this section shall engage in any of the following:

(i) Any employment, business, or activity that interferes or conflicts with the duties and responsibilities under the contracts authorized by this section;

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(ii) No corporation, enterprise or agency shall have personal business dealings, including but not limited to, lending money, with probationers under their supervision; and

(iii) No corporation, enterprise, or agency shall permit any person to supervise a probationer who is a member of such supervisory personnel's immediate family. As used in this sub-item, "immediate family" shall mean and include the supervisor's mother, father, siblings, adult children or maternal and paternal grandparents.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Scroggs moved that **House Bill No. 248**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 488** -- Safety - Limits ceiling for liability insurance coverage required for whitewater rafting outfitters/operators who travel 25 miles or less on intrastate roads to \$1 million. Amends TCA Title 65, Chapter 15, Part 1. by *Davis (Cocke). (SB1393 by *Haun)

Further consideration of House Bill No. 488 previously considered on April 30, 2001, at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 488 by inserting the words "not less than" between the words "in the amount of " and the words "one million dollars" in subsection (b) of SECTION 1 of the amendatory language of the printed bill.

THURSDAY, MAY 3, 2001 – THIRTY-FOURTH LEGISLATIVE DAY

Rep. Davis (Cocke) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 488**, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 304** -- Education - Adds vision screening to requirements for admission to public school, nursery school, kindergarten, preschool and child care; encourages parents to also obtain child's vision screening within six months of third grade. Amends TCA Title 49, Chapter 6, Part 50. by *Dixon, *Crowe, *Herron, *Burks. (HB704 by *Cooper B, *Towns, *Jones U (Shelby), *Armstrong, *DeBerry L, *Shaw, *Turner (Shelby), *Bowers, *Brooks, *Chumney, *Garrett, *Pruitt, *Jones, S., *Miller L, *McDonald, *Langster, *Patton, *Turner (Hamilton))

Rep. Cooper moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 304**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 68** -- Sunset Laws - Tennessee tollway authority, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 54, Chapter 15. by *Harper. (HB962 by *Kernell, *Brooks, *Cooper B)

Rep. Kernell moved that Senate Bill No. 68 be reset for the Message Calendar on May 10, 2001, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Ford moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 331 out of order, which motion prevailed.

House Joint Resolution No. 331 -- Memorials, Personal Occasion - Eva Bales Allen, 90th birthday. by *Ford S.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ford, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing House Resolution No. 74 out of order, which motion prevailed.

House Resolution No. 74 -- Memorials, Personal Occasion - Mrs. Ann B. Doel, 80th birthday celebration. by *Pruitt.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, with the request of all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 9, 2001:

House Bill No. 1620: by Rep. Kernell

House Bill No. 1914: by Rep. Kisber

Senate Bill No. 137: by Rep. Lewis

House Bill No. 680: by Rep. Williams

House Bill No. 784: by Rep. Briley

House Bill No. 1576: by Rep. Rinks

ANNOUNCEMENTS

MOTION TO ADOPT REVISED HOUSE SCHEDULE

Rep. Davidson moved that the House convene at 4:00 p.m. on Monday, May 7, 2001, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 875: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 980: Rep(s). Bittle as prime sponsor(s).

House Bill No. 1023: Rep(s). Pruitt as prime sponsor(s).

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1995 and 1989; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

May 3, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1245 and 1392; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 914; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

THURSDAY, MAY 3, 2001 – THIRTY-FOURTH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
May 3, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 125, 667, 1103, 1256, 1722 and 1731; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 125** -- Sunset Laws - University of Tennessee board of trustees, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9. by *Harper. (HB1622 by *Kernell, *Brooks, *Cooper B)

Senate Bill No. 667 -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Jackson. (*HB147 by *Odom)

Senate Bill No. 1103 -- Transportation, Dept. of - Creates "Transportation Reporting Act of 2001." Amends TCA Title 54, Chapter 1. by *Haynes. (*HB775 by *Briley)

Senate Bill No. 1256 -- Highway Signs - Directs department of transportation to erect additional three panel extension to specific service signs; allows businesses qualified under service sign program to continue as qualified. Amends TCA Title 54, Chapter 5, Part 11. by *Cooper J. (*HB825 by *Ridgeway)

Senate Bill No. 1722 -- Taxes, Sales - Authorizes state to continue participation in multi-state discussions concerning streamlining and simplification of sales and use tax administration. Amends TCA Title 67, Chapter 6. by *Cooper J. (*HB1459 by *Kisber)

***Senate Bill No. 1731** -- Safety - Alters certain requirements pertaining to use of certain restraint systems in passenger motor vehicles. Amends TCA Title 55, Chapter 9, Part 6. by *Ford J. (HB1559 by *Brooks)

**ENROLLED BILLS
May 3, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, 306; also, House Resolution(s) No(s). 69 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 3, 2001**

The Speaker signed the following: House Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, 306; also, House Resolution(s) No(s). 69 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305 and 306; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

May 3, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 248, 257, 700, 903, 1182, 1234, 1246, 1309, 1372, 1529, 1832, also, House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 331.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 3, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 258, 294, 488, 619, 861, 864, 1134, 1200, 1245, 1300, 1317, 1392, 1989 and 1995.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 3, 2001

The Speaker signed the following: House Bill(s) No(s). 258, 294, 488, 619, 861, 864, 1134, 1200, 1245, 1300, 1317, 1392, 1989 and 1995.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 258, 294, 488, 619, 861, 864, 1134, 1200, 1245, 1300, 1317, 1392, 1989 and 1995; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

THURSDAY, MAY 3, 2001 – THIRTY-FOURTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill No. 175.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS

May 3, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 175.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 3, 2001

The Speaker signed the following: House Bill(s) No(s). 175.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 3, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 175; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 3, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 175, 258, 294, 488, 619, 861, 864, 1134, 1200, 1245, 1300, 1317, 1392, 1989, 1995; also, House Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
May 3, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 290, 464, 553, 789, 960, 1062, 1183, 1393, 1543, 1826, 1951, 1962, 1983, 1984, 1986, 1990 and 1992, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE
May 3, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 48, 104, 122, 123, 146, 403, 528, 1159, 1879; also, Senate Joint Resolution(s) No(s). 59, 215, 216, 217 and 218 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED
May 3, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 48, 104, 122, 123, 146, 403, 528, 1159, 1879; also, Senate Joint Resolution(s) No(s). 59, 215, 216, 217 and 218.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On the motion of Rep. Davidson, the House stood in recess until 4:00 p.m., Monday, May 7, 2001.